IN THE HIGH COURT OF JUDICATURE AT BOMBAY
SIDE JURISDICTION
CRIMINAL APPLICATION NO.1322 OF 2006
IN
CRIMINAL APPEAL NO.1259 OF 2006

Usman Ali Manan Ali ...Applicant.
V/s.
The State of Maharashtra ...Respondent.

Shri A.Q.Ansari, adv. for the Applicant.
Shri D.P.Adsule, APP for the Respondent/State.

CORAM: J.H.BHATIA, J.
DATE : 23rd January, 2007.

P.C.:

1. Heard Mr.Ansari, the learned counsel for the applicant and Mr.Adsule, the learned APP for the State.

2. The applicant, who is original accused no.3, was convicted alongwith two others for the offences punishable under Sections 392, 397, 427 read with Section 120(B) of the I.P.C as also under the Arms Act and was sentenced imprisonment of various periods. The maximum sentence awarded to him is R.I. for 7 years for the offence punishable under Section 397 read with Section 120B of the I.P.C. He has preferred an appeal which is already admitted. By this application, he seeks to be released on bail pending the final hearing and disposal of the appeal.

3. According to Mr.Ansari, the learned counsel for the applicant, the applicant was on bail during the trial and he has not misused the bail and, therefore, he deserves to be granted bail pending final hearing and disposal of the appeal. The application is opposed by the learned A.P.P. According to him, serious offence of robbery was committed by 4 persons. They were armed with deadly weapons like revolver, chopper, etc. The present applicant was identified by 3 witnesses including the complainant during their evidence before the Trial Court. 2 eye witnesses had also identified him in identification parade.

4. The learned trial Court rejected the contention that identification parade was not proper. Taking into consideration the nature of the offence, I find that it will not be in the interest of justice to grant him bail.

5. In the result, application stands rejected.

(J.H.Bhatia, J.)